



## SECRETARY OF STATE STATE OF INDIANA

**TODD ROKITA**  
SECRETARY OF STATE

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Due to requests from election administrators, the media, and the public, Secretary Rokita would like to make you aware of the qualifications for voting absentee under Indiana law. If you have questions, please contact Cam Savage at 317-233-8655 or the Election Division of the Secretary of State's office at 1-800-622-1948.

### **Qualifications for Absentee Voting in Indiana**

#### **Qualifications to Vote Absentee by Mail**

- Any voter otherwise qualified to vote absentee who has been hospitalized or suffered an injury after the final date to apply for an absentee ballot and is prevented from voting in person at the polls (IC 3-11-4-1(b))
- A voter who "will be absent from the county on election day" (IC 3-11-10-24(a))
- A voter who "will be absent from the precinct of the voter's residence on election day" because of service as an inspector, judge, poll clerk, or sheriff (IC 3-11-10-24(a))
- A voter who "will be absent from the precinct of the voter's residence on election day" because of service as a media watcher or a watcher for a political party or group of primary election candidates (IC 3-11-10-24(a))
- A voter who "will be absent from the precinct of the voter's residence on election day" because of service as a challenger or pollbook holder for a political party or independent candidate (IC 3-11-10-24(a))
- A voter who is an election board employee administering the election (IC 3-11-10-24(a))
- A voter who "will be confined on election day to the voter's residence, to a health care facility, or to a hospital because of illness or injury" (IC 3-11-10-24(a))
- A voter who has a permanent or temporary physical disability (IC 3-5-2-50.2; IC 3-11-10-24(a))
- A voter who is at least sixty-five years of age (IC 3-5-2-16.5; IC 3-11-10-24(a))
- A voter who is "prevented from voting due to the voter's care of an individual confined to a private residence because of illness or injury" (IC 3-11-10-24(a))
- A voter who is "scheduled to work at the person's regular place of employment during the entire... 12 hours that the polls are open" (IC 3-11-10-24(a))
- A voter who formerly resided in the precinct, but is eligible to vote under a state law that permits a voter who formerly resided in the precinct to return to that precinct one final time to vote there before the voter's registration is transferred to the voter's new precinct (IC 3-11-10-24(a))

### **Qualifications to Vote Absentee in the Office of the Circuit Court Clerk**

- Any voter who is otherwise qualified to vote in person can vote by absentee ballot in the Clerk's office without giving any specific reason (IC 3-11-4-1(a))

### **Qualifications to Vote Absentee before an Absentee Traveling Board**

- Any voter otherwise qualified to vote absentee who has been hospitalized or suffered an injury after the final date to apply for an absentee ballot, and is prevented from voting in person at the polls (IC 3-11-4-1(b))
- A voter with disabilities who is unable to make a voting mark on the ballot or sign the absentee ballot secrecy envelope and who requests delivery of the ballot to an Indiana address (IC 3-11-10-24(b))
- A voter who "votes by absentee ballot due to illness or injury" and is within the county on election day, or with consent of election board, is outside the county on election day (IC 3-11-10-25(a)(d))
- A voter who "votes by absentee ballot due to caring for a confined person in a private residence" and is within the county on election day (IC 3-11-10-25(a))
- A voter with a permanent or temporary physical disability whose polling place is inaccessible (IC 3-11-10-25(b))

### **Absentee Ballot Felonies (many of these violations will also apply to other types of voting)**

**It is a Class D felony, punishable by up to 3 years in prison, a \$10,000 fine, or both, to do any of the following:**

- It is a felony for person to knowingly vote or offer to vote at an election when the person is not registered or not authorized to vote at the election. (IC 3-14-2-8)
- It is a felony for person to knowingly vote or offer to vote in a precinct which is not where the person is registered and resides (unless the person is authorized under certain state laws to return to their former precinct one final time to vote and have their registration transferred). (IC 3-14-2-11)
- It is a felony for a public official to knowingly allow a person to vote who is not entitled to vote. (IC 3-14-2-14)
- It is a felony for a public official to knowingly allow a person to vote by using a procedure that is not authorized by state law. (IC 3-14-2-14)
- It is a felony for a person to knowingly apply for a ballot in a precinct other than the precinct where the person is entitled to vote. (IC 3-14-2-16)
- It is a felony for a person to knowingly show a marked ballot to any other person so that any other person can see the contents of the ballot or the name of a candidate for whom the person voted, except when the person is being assisted by an absentee voter board or at the polls in the manner required by state law. (IC 3-11-4-21; IC 3-14-2-16)

- It is a felony for a person to knowingly examine a ballot marked by a voter or to ask the voter to show the person the voter's marked ballot. (IC 3-14-2-16)
- It is a felony for a person to knowingly receive a ballot marked by a voter, unless the person is serving as a precinct inspector, a member of a county election board or absentee voter board receiving an absentee ballot in compliance with state law. (IC 3-14-2-16)
- It is a felony for a person to knowingly receive an envelope containing a marked absentee ballot unless the person is a member of the absentee voter's household, or an individual who holds the voter's power of attorney. (IC 3-14-2-16)
- It is a felony for a person to knowingly deliver an absentee ballot to an absentee voting board or county election board that is not the ballot cast by the absentee voter. (IC 3-14-2-16)
- It is a felony for a voter to knowingly mark a ballot to indicate to any other person how the person voted. (IC 3-14-2-17)
- It is a felony for a voter to knowingly enable another person to see a ballot to indicate to any other person how the person voted. (IC 3-14-2-17)
- It is a felony for a person to fraudulently cause a voter to vote for a person different than the one the voter intended to vote for. (IC 3-14-2-21)
- It is a felony for a person entrusted with ballots to deliver a ballot to a person not entitled to receive the ballot. (IC 3-14-2-23)
- It is a felony for a person to destroy a ballot with the intent to prevent the ballot from being counted. (IC 3-14-2-24)
- It is a felony for an election official to mark or deface a voted ballot to identify the ballot, except when authorized to do so under the election laws. (IC 3-14-2-25)
- It is a felony for a person to knowingly deny an absentee voter board access to a voter's place of confinement during a time agreed to by the board and the voter, so long as the time is during the regular office hours of the circuit court clerk. (IC 3-11-10-25(c), IC 3-14-3-4)
- It is a felony to knowingly engage in "electioneering" within the area in the office of the circuit court clerk used by an absentee voter board for absentee voting. "Electioneering" includes expressing support or opposition to any candidate or political party in a manner that could reasonably be expected to convey that support or opposition to another individual. (IC 3-14-3-16)
- It is a felony for an absentee voter board member to knowingly induce or persuade a voter to vote for a candidate while acting as a board member. (IC 3-14-3-17)
- It is a felony for a person to damage the business or trade of a voter for the purpose of influencing the voter. (IC 3-14-3-18)
- It is a felony for a person to give, offer, or promise any money or property to a voter to induce the vote to vote for or against a candidate, or to refrain from voting for a candidate. (IC 3-14-3-19)
- It is a felony for a person to receive, accept, request, or solicit any money or property to vote for or against a candidate, or to refrain from voting for a candidate. (IC 3-14-3-20)
- It is a felony for a public official to knowingly fail to perform a duty required under the Indiana Election Code. (IC 3-14-4-3)

- It is a felony for a precinct election board member or absentee ballot counter to try to find out how a voter voted a ballot before the absentee ballot is counted. (IC 3-14-4-8)
- It is a felony for a precinct election board member or absentee ballot counter to knowingly provide any other person with information concerning the number of votes cast for candidates on absentee ballots before the polls close. (IC 3-14-4-10)

There are other general criminal statutes, such as the law against intimidating a person (IC 35-45-2-1), which can also be involved in violations of the election laws.

**Applications for Absentee Ballots**

Applications for Absentee Ballots are available at the Secretary of State's website (<http://www.in.gov/sos/elections/forms/index.html>) or from the office of your county clerk.

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